

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and  
THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation  
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited  
liability company; and

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN,  
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**NOTICE OF DEFENDANTS' RENEWED MOTION FOR JUDGMENT AS  
A MATTER OF LAW**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, and all of the pleadings and proceedings heretofore filed and had herein, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC, by and through their attorneys, will move this Court before the Honorable Louis L. Stanton, United States District Judge for the Southern District of New York, located at 500 Pearl Street, Courtroom 21C, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 50(b) for entry of judgment

as a matter of law in their favor on all counts, along with such other and further relief as the Court may deem just and proper.

Date: April 8, 2024  
New York, New York

KELLEY DRYE & WARREN LLP

By: /s/ Geoffrey W. Castello  
John E. Villafranco (*pro hac vice*)  
Geoffrey W. Castello  
William A. Escobar  
Jaclyn M. Metzinger  
Glenn T. Graham  
Caitlin R. Hickey  
3 World Trade Center  
175 Greenwich Street  
New York, NY 10007  
Tel: (212) 808-7800  
Fax: (212) 808-7897  
jvillafranco@kelleydrye.com  
gcastello@kelleydrye.com  
wescobar@kelleydrye.com  
jmetzinger@kelleydrye.com  
ggraham@kelleydrye.com  
chickey@kelleydrye.com

*Counsel for Defendants  
Quincy Bioscience Holding Company, Inc.,  
Quincy Bioscience, LLC, Prevagen, Inc.,  
and Quincy Bioscience Manufacturing, LLC*

COZEN O'CONNOR, P.C.

By: /s/ Michael de Leeuw  
Michael de Leeuw  
Tamar S. Wise  
Amanda Giglio  
Robert Clark  
3 World Trade Center  
175 Greenwich Street  
New York, NY 10007  
Tel: (212) 908-1331  
mdeleeuw@cozen.com  
twise@cozen.com  
agiglio@cozen.com  
rclark@cozen.com

*Counsel for Defendant Mark Underwood*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2024, I have caused service of the Defendants' Notice of Defendants' Renewed Motion for Judgment as a Matter of Law, and the accompanying Memorandum of Law, to be made by electronic filing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

Dated: April 8, 2024  
New York, New York

/s/ Geoffrey W. Castello  
Geoffrey W. Catsello